

## HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

1. The petitioner is a disabled individual whose sole source of income is Social Security Disability benefits.
2. The Department sent petitioner a Notice of Decision dated October 26, 2009 notifying petitioner that he was eligible for VPharm but that benefits would not start until his premium was paid. Petitioner was timely notified that if his premium was not paid by November 30, 2009 that his eligibility would be cancelled.

3. The VPharm premium was \$15.00 per month.

4. The petitioner admits that he did not pay his premium. The petitioner did not pay his premium due to his ongoing concerns over the misuse of his Social Security number.

5. The Department sent petitioner a Cancellation Notice on November 19, 2009 informing petitioner that his VPharm was cancelled effective November 30, 2009.

ORDER

The Department's decision is affirmed.

REASONS

As part of the VPharm program, the Department sets premium payments based upon an applicant's income. Payment of the premium is then required for coverage. W.A.M. § 5430. There is no dispute that the Department correctly assessed the petitioner's premium based on his income. Further, there is no dispute that petitioner failed to pay the premium.

In terms of the VPharm program, the Department's decision is in accord with the applicable regulations.

The petitioner used the fair hearing to raise issues the Board has considered and decided in the past. The Board has ruled that these matters are governed by res judicata and, as

such, will not be reconsidered. Fair Hearing Nos. A-08/08-383, A-02/08-58, and 21,236.

Accordingly, the Department's decision to terminate VPharm due to nonpayment of the premium is affirmed. All other matters raised by petitioner at hearing are dismissed as res judicata. 3 V.S.A. § 3091(d).

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